

Senate Bill 317

By: Senator Shafer of the 48th

A BILL TO BE ENTITLED
AN ACT

To provide for findings of the General Assembly; to amend Chapters 3 and 4 of Title 20 of the Official Code of Georgia Annotated, relating respectively to postsecondary education and vocational, technical, and adult education, so as to provide that each publisher of a textbook shall provide for use by students having a print access disability an electronic format accessible to Braille translation, text to speech, and screen-reading software of such textbook as is available; to provide for exceptions; to define terms; to provide for construction; to provide for counseling on avoiding violation of copyright laws and agreements not to duplicate; to provide for civil liability; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The General Assembly finds that:

(1) Many students in the public universities, colleges, and technical colleges of the state who have a print access disability would welcome increased availability of electronic format textbooks;

(2) Requiring textbook publishers to provide an electronic format accessible to Braille translation, text to speech, and screen-reading software of textbooks, with exceptions for undue hardship, would increase the access to secondary education for students who have a print access disability at no cost to the state. Since many textbooks already include a CD-ROM version without additional cost, the cost of textbooks for students may remain the same;

(3) Emerging technologies make electronic format textbooks user friendly, and most disabled students would be able to use electronic format textbooks. Electronic format textbooks would make readers for disabled students less necessary; and

(4) Protection of publishers' copyright and intellectual property rights is possible through technology and law. One method is requiring students to agree to use the electronic format textbook solely for personal and noncommercial use.

SECTION 2.

Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to postsecondary education, is amended by inserting a new Code section to be designated Code Section 20-3-87 to read as follows:

"20-3-87.

(a) As used in this Code section, the term:

(1) 'Person' means a corporation, partnership, company, or other business organization or business entity but does not include an institution or employee of the Board of Regents of the University System of Georgia.

(2) 'Print access disability' means any condition in which an individual's independent reading of, reading comprehension of, or visual access to printed material is limited or reduced due to a sensory, neurological, cognitive, physical, psychiatric, or other disability recognized by state or federal law. The term is applicable to but not limited to individuals who are blind, have low vision, or have reading disorders or physical disabilities.

(3) 'Publisher' means:

(A) The person or entity which prints and issues a textbook that is generally available for purchase by the public; and

(B) The person who offers for sale material available for purchase primarily by students.

(4) 'Textbook' means a book which is recommended or required by an instructor of a course of study offered for credit toward a degree by a unit of the university system and that is printed or reproduced and commercially available for purchase primarily by students.

(b) The publisher of a textbook shall provide for use by students having a print access disability an electronic format accessible to Braille translation, text to speech, and screen-reading software of such textbook as is available unless such availability creates an undue hardship as defined in the Americans with Disabilities Act of 1990, 42 U.S.C. Section 12111.

(c) This Code section shall not be construed to authorize infringement on copyright or other intellectual property rights for any textbook. A publisher may require a written request for an electronic format textbook that includes a statement signed by an individual at the institution of the university system who is responsible for monitoring compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101 et seq., in

1 which such individual verifies that the student for whom the electronic format textbook is
2 being requested has been properly counseled in the use of the electronic format textbook
3 in a manner to avoid violating any copyright laws and that the institution has on file a form
4 signed by the student in which he or she agrees to use the electronic format textbook solely
5 for his or her own educational purposes and agrees not to copy or otherwise duplicate the
6 electronic format textbook for use by another individual.

7 (d) A person who violates subsection (b) of this Code section may be held liable for actual
8 damages to the individual whose rights were violated."

9 SECTION 3.

10 Chapter 4 of Title 20 of the Official Code of Georgia Annotated, relating to vocational,
11 technical, and adult education, is amended by inserting a new Code section to be designated
12 Code Section 20-4-37 to read as follows:

13 "20-4-37.

14 (a) As used in this Code section, the term:

15 (1) 'Person' means a corporation, partnership, company, or other business organization
16 or business entity but does not include an institution or employee of the Department of
17 Adult and Technical Education.

18 (2) 'Print access disability' means any condition in which an individual's independent
19 reading of, reading comprehension of, or visual access to printed material is limited or
20 reduced due to a sensory, neurological, cognitive, physical, psychiatric, or other disability
21 recognized by state or federal law. The term is applicable to but not limited to individuals
22 who are blind, have low vision, or have reading disorders or physical disabilities.

23 (3) 'Publisher' means:

24 (A) The person which prints and issues a textbook that is generally available for
25 purchase by the public; and

26 (B) The person which offers for sale material available for purchase primarily by
27 students.

28 (4) 'Textbook' means a book which is recommended or required by an instructor of a
29 course of study offered for credit by a technical college under the control and
30 management of the Department of Technical and Adult Education and that is printed or
31 reproduced and commercially available for purchase primarily by students.

32 (b) The publisher of a textbook shall provide for use by students having a print access
33 disability an electronic format accessible to Braille translation, text to speech, and
34 screen-reading software of such textbook as is available unless such availability creates an
35 undue hardship as defined in the Americans with Disabilities Act of 1990, 42 U.S.C.
36 Section 12111.

(c) This Code section shall not be construed to authorize infringement on copyright or other intellectual property rights for any textbook. A publisher may require a written request for an electronic format textbook that includes a statement signed by an individual at the institution under the control of the department who is responsible for monitoring compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101 et seq., in which such individual verifies that the student for whom the electronic format textbook is being requested has been properly counseled in the use of the electronic format textbook in a manner to avoid violating any copyright laws and that the institution has on file a form signed by the student in which he or she agrees to use the electronic format textbook solely for his or her own educational purposes and agrees not to copy or otherwise duplicate the electronic format textbook for use by another individual.

(d) A person who violates subsection (b) of this Code section may be held liable for actual damages to the individual whose rights were violated."

SECTION 4.

This Act shall become effective July 1, 2006.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.